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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,903	08/16/2005	Michael Broderick	TOMK:016	7932
37013 7590 10/31/2007 ROSSI, KIMMS & McDOWELL LLP. P.O. BOX 826 ASHBURN, VA 20146-0826			EXAMINER MCCALISTER, WILLIAM M	
			ART UNIT 4156	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/541,903

Applicant(s)

BRODERICK, MICHAEL

Examiner

William M. McCalister

Art Unit

4156

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 19-38 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☒ Interview Summary (PTO-413)
- Paper No(s)/Mail Date 10/20/07
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted from the following 3 groups.

Group 1, claim(s) 19- 29 and 38, drawn to a valve. (Claim 29 is drawn to a valve only because it fails to positively recite any elements outside of the valve.)

Group 2, claim(s) 30-31, drawn to a system without the valve.

Group 3, claims 32-37, drawn to a system with the valve.

Groups 1 and 2 lack unity *a priori*, as they fail to set forth a special technical feature that is common to both.

Groups 1 and 3 lack unity *a posteriori*, as they fail to set forth a special technical feature that is common to both and that qualifies as a contribution over the prior art. Mitsch (US Patent 5,899,435) discloses:

A valve 10 for enabling release of pressurized steam from a pressure vessel (passageway 16 could be attached to a pressure vessel), the valve comprising a displaceable closure member 38 which, in its closed disposition, is maintained in said closed disposition by exposure to the pressure of the steam within the pressure vessel (absent an upward force on piston 52, a pressurized fluid in communication with passageway 16 would exert a downward force on closing member 38 preventing it from opening), and the closure member being displaceable from said closed disposition to an open disposition against the pressure of the steam within the pressure vessel for said release of pressurized steam from the pressure vessel (closure member 38 would be upwardly displaced in the presence of negative pressure acting on piston 52, thereby allowing pressurized fluid to flow from passageway 16 into passageway 14).

U.S. Patent

May 4, 1999

Sheet 1 of 2

5,899,435

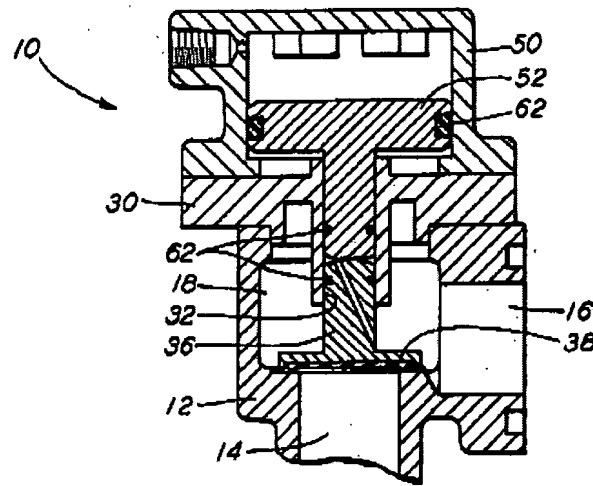


FIG. 1

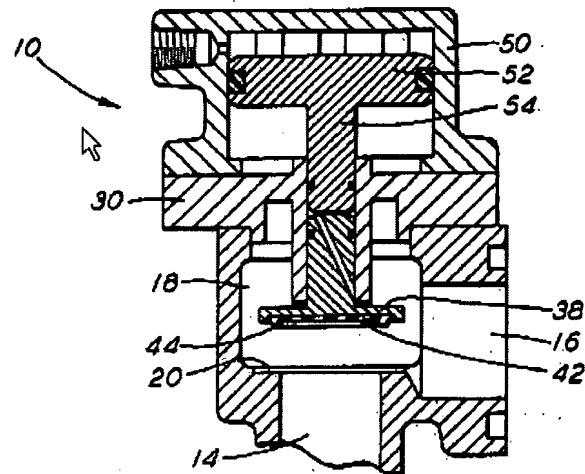


FIG. 2

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Groups 2 and 3 lack unity *a priori*, as they fail to set forth a special technical feature that is common to both. Mott (US Patent 2,032,299) discloses:

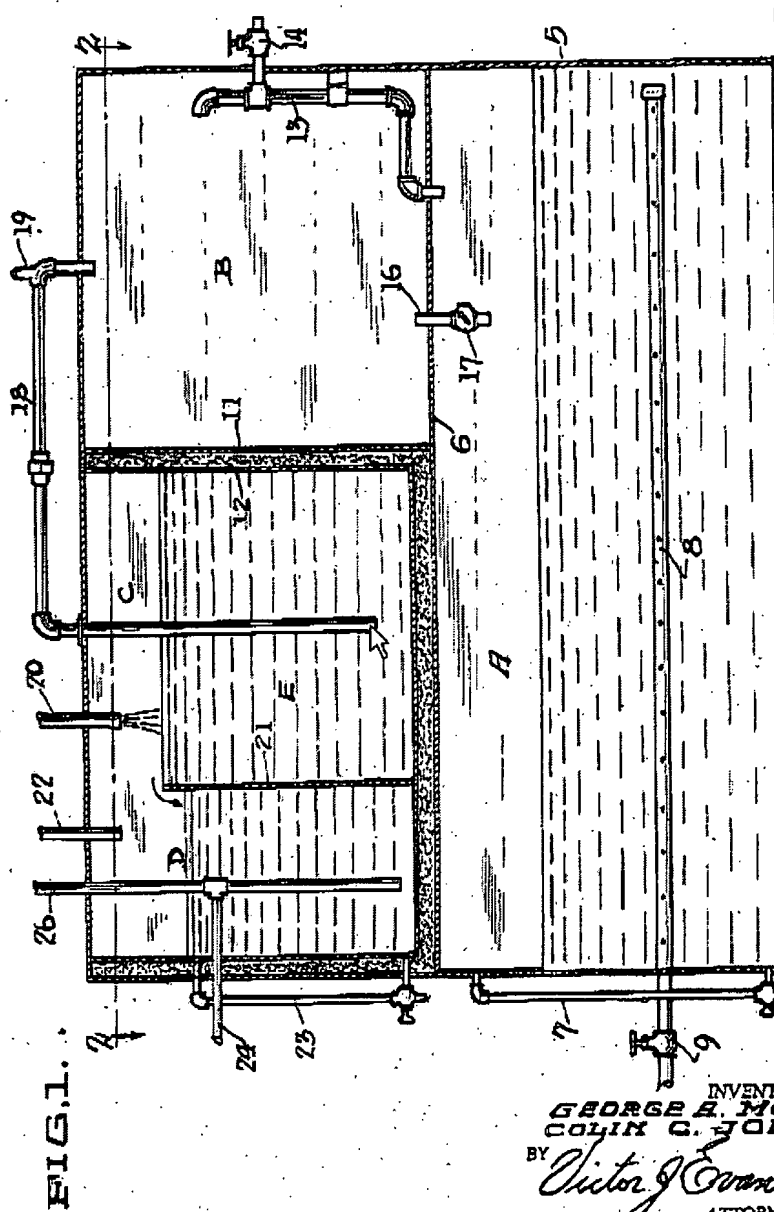
A product treatment system comprising a pressure vessel (portion of steam delivery pipe upstream of valve 9), an expansion region for receiving pressurized steam discharged from the pressure vessel (chamber A) at the end of a steam treatment phase of said product treatment, and a solids trap (chamber B), said solids trap being in communication (13) with the expansion region to receive steam at a substantially reduced pressure as compared with the steam pressure on initial entry into the expansion region, along with any entrained solid matter.

Feb. 25, 1936.

G. A. MOTT ET AL  
SOLVENT RECOVERY DEVICE  
Filed Dec. 11, 1934

2,032,299

2 Sheets-Sheet 1



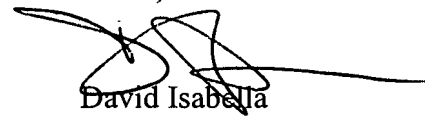
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. McCalister whose telephone number is (571) 270-1869. The examiner can normally be reached on M-F, alt. Fridays off, hours 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on (571) 272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William McCalister  
Patent Examiner



David Isabella  
Supervisory Patent Examiner

W.M.  
10/12/07